



National Park Service  
U.S. Department of the Interior

Kings Mountain  
National Military Park

2625 Park Rd  
Blacksburg, SC 29702

Superintendent's Compendium  
Of Designations, Closures, Permit  
Requirements and Other Restrictions  
Imposed Under Discretionary Authority.

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Approved by: C. Hunter C. Ruch  
Acting Superintendent

Date: 8/18/14

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations ("36 CFR"), Chapter 1, Parts 1-7, authorized by Title 16 United States Code, Section 3, the following provisions apply to all lands and waters administered by the National Park Service, within the boundaries of Kings Mountain National Military Park. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, Parts 1-7.

Written determinations, which explain the reasoning behind the Superintendent's use of discretionary authority, as required by Section 1.5(c), appear in this document identified by italicized print.

## ***I. 36 CFR §1.5 – VISITING HOURS, PUBLIC USE LIMITS, CLOSURES, AND AREA DESIGNATIONS FOR SPECIFIC USE OR ACTIVITIES***

**(a)(1) The following visiting hours and public use limits are established for all or for the listed portions of the park, and the following closures are established for all or a portion of the park to all public use or to a certain use or activity:**

- (a) (1) Certain areas in the park which are of primary historical importance in preserving the battlefield's historic integrity and in interpreting the historical significance of the battle are designated Historical Interpretation Areas. Ball playing, sunbathing, kite flying, picnicking, frisbee throwing, and similar recreational activities are not allowed in those areas.
- (a) (1) Kings Mountain NMP visitor center area, parking lot, battlefield trail and amphitheater area will be open from 9:00 A.M. to 5:00 P.M., seven days a week except for January 1 (New Years Day), Martin Luther King Holiday, Presidents Day, Columbus Day, Thanksgiving Day, and December 25 (Christmas). Visitor center closing hours may be extended at the discretion of the Superintendent.
- (a) (1) The wastewater plant and access road are closed to the public at all times.

- (a) (1) The Howser House Area (Howser House, cemetery, barn area, and access road from Rock House Road to Kings Creek) is closed to the public except by special appointment for touring the area.
- (a) (1) During emergency situations such as ice, snow, etc.... park roads may be temporarily closed without advance notice.
- (a) (1) Parking lots are reserved for those persons using the visitor center, trail system, and battlefield at Kings Mountain National Military Park.
- (a) (1) The maintenance compound and residential area are closed to the general public.
- (a) (1) The park is closed to the use of non-motorized, radio controlled vehicle models.
- (a) (1) Leaving a trail to shortcut between portions of the same trail or to shortcut to an adjacent trail is prohibited.
- (a) (1) All park trails and fire access roads are closed to bicycles and ATV's.
- (a) (1) **Unmanned Aircraft:** Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of Kings Mountain National Military Park is prohibited except as approved in writing by the superintendent.

Definition: The term "unmanned aircraft" means a device that is used or intended to be used for flight in the air without the possibility of direct human intervention from within or on the device, and the associated operational elements and components that are required for the pilot or system operator in command to operate or control the device (such as cameras, sensors, communication links). This term includes all types of devices that meet this definition (e.g., model airplanes, quad copters, drones) that are used for any purpose, including for recreation or commerce.

- (a) (1) The open display and/or use of radio telemetry equipment (aka, radio collars), which is commonly used to track wildlife and hunting dogs, is prohibited in the Park without the prior permission of the Chief Ranger or his/her designee (i.e., a commissioned law enforcement ranger), and may only be used to expedite the retrieval of a dog that is believed to be running loose in the park. Persons seeking permission to display or use radio telemetry equipment in the Park shall, on a daily basis, provide their name, telephone number and vehicle description as well as a description of the dog/s being sought and the area in which the search is to be conducted.

Permission to use this equipment to retrieve a loose dog does not exempt a person from any other regulation or law. Persons with a valid Research Permit are exempted from this requirement.

*Radio telemetry is an efficient method of catching a dog that has entered the park. However, radio telemetry can also be used to track wildlife or to facilitate a hunt by tracking dogs in pursuit of wildlife. This restriction is intended to facilitate the legitimate use of telemetry equipment in the park and to assist law enforcement personnel in distinguishing legitimate from illegal use.*

**The following restrictions and/or conditions are in effect for the specific uses or activities noted:**

Passenger Carrying Busses:

- Engines must be shut down when not underway.

*The idling of bus engines adds unnecessary exhaust fumes to the air and diminishes the enjoyment by visitors of the peace and tranquility of the park.*

**II. 36 CFR §1.6 – ACTIVITIES THAT REQUIRE A PERMIT**

*The following activities require special permits. An application for a permit should be submitted to the Superintendent or his/her designee during normal business hours. Certain activities require permits issued by the Superintendent to insure such activities are conducted in compliance with applicable regulations.*

Except as otherwise provided, application for a permit shall be made in writing to the Superintendent. (The application shall be submitted so as to reach the Superintendent at least 21 days in advance of the proposed event. 36 CFR 2.50 (b))

**Special Use permits applications can be obtained by writing, calling or picking up in person at the park visitor center during normal operating hours.**

(f) The following is a compilation of those activities for which a permit from the superintendent is required:

- §1.5(d) The following activities related to Public Use Limits:
  - Amphitheater use -36 CFR 250 Weddings
  - Guided tours not sponsored by the NPS
- §2.5(a) Specimen collection (Take plant, fish, wildlife, rocks or minerals)
- §2.12 Audio Disturbances:
  - (a)(4) Operation of a public address system in connection with a public gathering or special event for which a permit has been issued pursuant to §2.50 or §2.51
- §2.17 Aircraft & Air Delivery:
  - (a)(3) Delivery or retrieval of a person or object by parachute, helicopter or other airborne means
  - (c)(1) Removal of a downed aircraft
- §2.23(b) The following special recreation activities (per 36 CFR Part 71):
  - Organized Athletic Events (including Trail Rides, Motorcycle Rallies/Rides,)
  - §2.37 Soliciting or demanding gifts, money goods or services (Pursuant to the terms and conditions of a permit issued under §2.50, §2.51 or §2.52)
- §2.38 Explosives:
  - (a) Use, possess, store, transport explosives, blasting agents
  - (b) Use or possess fireworks

- §2.50(a) Conduct a sports event, pageant,, public spectator attraction, entertainment, ceremony, and similar events
- §2.51(a) Public assemblies, meetings, gatherings, demonstrations, parades and other public expressions of views
- §2.52(c) Sale or distribution of printed matter that is not solely commercial advertising
- §2.62 Memorialization:
  - (a) Erection of monuments (Requires approval by Director)
- §4.11(a) Exceeding of established vehicle load, weight and size limits
- §5.1 Advertisements - (Display, posting or distribution.)
- §5.3 Engaging in or soliciting any business (Requires a permit, contract or other written agreement with the United States, or must be pursuant to special regulations).
- §5.5 Commercial Photography/Filming:
  - (a) Commercial filming of motion pictures or television involving the use of professional casts, settings or crews, other than bona fide newsreel or news television
  - (b) Still photography of vehicles, or other articles of commerce or models for the purpose of commercial advertising.
- §5.6(c) Use of commercial vehicles on park area roads (The superintendent shall issue a permit to access private lands within or adjacent to the park when access is otherwise not available)
- §5.7 Construction of buildings, facilities, trails, roads, path, structure, etc.
- Part 7 Special Regulations
  - The operation of temporary food and/or beverage sales during special events requires a commercial use permit.
  - Non-profit organizations do not have to obtain a CUA for temporary food and/or beverage sales as long as the organization states in writing that it will not derive any taxable income from the activities it performs in the park and must show proof of non-profit status. Non-profit organizations are required to obtain special use permits per the special use permit guidance.

### **36 C.F.R. Section 2.1 Preservation of Natural, Cultural, and Archeological Resources**

- (a)(1–6) Possessing, destroying, injuring, defacing, removing, digging, or disturbing any natural or cultural object, flora or fauna, or any archeological site or artifact is strictly prohibited.
- (a) (4) Dead wood on the ground is designated for collection for campfire fuel used within the park, when camping in the Garner Creek campsite or as part of a park sponsored interpretive program.

- (a)(5) The following conditions are in effect for walking, climbing, entering, ascending or traversing the listed archeological or cultural resource, monuments or statues:
- (a)(7) Possessing or using a mineral or metal detector, magnetometer, side scan sonar, other metal detecting device, or sub-bottom profiler is strictly prohibited.
- Official NPS archeological research is exempt from the prohibition of using the above mentioned detector devices
- (c)(1), (c)(2) The following fruits, nuts, berries or unoccupied seashells may be gathered by hand for personal use or consumption, in accordance with the noted size, quantity, collection sites and/or use or consumption restrictions:
- Maximum 2 gallons per family/per day) of the following may be gathered by the general public for personal use:
- apples
  - blackberries
  - blueberries
  - hickory nuts
  - scuppernongs
  - muscadines
  - walnuts
  - pecans
  - persimmons
  - plums
  - mulberries
  - wild strawberries

### **36 C.F.R. Section 2.10 Camping and Food Storage**

Camping is prohibited except at designated backpacking campsites shown on the park trail map or in conjunction with an organized and approved living history encampment. Registration is required at the visitor center. Limitations as follows:

<b><u>Campsite</u></b>	<b><u>Persons</u></b>	<b><u>Days Allowed</u></b>
Garner Creek	10 Max.	7 Days Maximum

### **Section 2.11 Picnicking**

- (a) Picnicking is prohibited except at designated areas for individuals and groups upon application in advance to Superintendent. Picnicking will be limited to small groups and of short duration (1 hour or less). Tables, chairs, grills and other devices are not permitted.

### **36 C.F.R. Section 212 Audio Disturbances**

- (a)(2) Operating a chainsaw in developed areas
- (a)(3) Operation of any type of portable motor or engine, or device powered by a portable motor or engine in non-developed areas.
- (a)(4) Operation of a public address system in connection with a public gathering or special event for which a permit has been issued pursuant to 2.5 or 2.51.
- (b) Audio devices that exceed the noise level of 60 decibels measured on the A-weighted scale at 50 feet are not permitted or if noise level interferes with the purpose for which the park was established or impacts other park users.

### **36 C.F.R. Section 2.13 Fires**

- (a)(1) The lighting or maintaining of fires is generally prohibited, except as provided for in the following designated areas and/or receptacles, and under the conditions noted:

Upon receipt of notice from the South Carolina Forestry Commission or the Fire Notification Center of NPS of high fire danger weather, fires will be prohibited in the park without prior public notice.

- (a) (1) - Fires utilized by visitors are allowed only in the designated backcountry campsite (Garner Creek).  
- Re-enactors and Living Historians may have fires for use in park interpretive demonstrations provided prior approval is received from NPS staff.  
- All fires shall be extinguished by the living history group before departure.

#### Designated Areas:

- Fire ring in the Garner Creek campsite
- Living History Area.

### **36 CFR §2.14 - Sanitation and refuse**

- (a)(1) Depositing refuse in other than a refuse receptacle is prohibited.
- (a)(2) Disposal of household waste, commercial or industrial waste or building materials at any location in the park is prohibited

### **36 CFR §2.15 – PETS**

- (a) (1) No pets, other than officially designated and recognized, Service animals, will be allowed in the park's Visitor Center. All pets must be restrained on a leash (six feet maximum) while on park property.

- (a) (2) The use of electronic restraining devices is prohibited

- (a) (5) Pet owners will be held responsible for handling and disposing of pet excrement in the following areas: park interpretive walking trails, picnic area, all parking areas, and on the Visitor Center grounds.

Pet excrement must be disposed of in accordance with the following conditions:

Excrement must be removed at least 20 feet from the above-cited areas and deposited in adjacent woods/bushes or by using disposable bags provided at battlefield trailhead.

- (c) Pets may be retained by park employees residing within park residences and in accordance with park quarters policy. Employee pets are allowed unrestrained in the yards of employee quarters but are subject to all other applicable regulations outside park quarters yards.

### **36 C.F.R. Section 2.16 Horses and Pack Animals**

- (g) The tying or securing of horses or mules directly to trees or other vegetation is prohibited.

### **36 C.F.R. Section 2.20 Skating, Skateboards, and Similar Devices**

Use of roller skates, skateboard, roller skis, coasting vehicles, or similar devices (in-line) skates is prohibited.

### **36 C.F.R. Section 2.21 Smoking**

- (a) (1) Smoking is prohibited in all park buildings (excluding employee housing) and within the seating area of the amphitheater.
- (a) (2) During periods of high fire danger smoking on park trails may be prohibited at the discretion of the Superintendent.

### **36 C.F.R. Section 2.22 Property**

- (a) (2) Vehicles may be parked in the visitor center parking area for the duration of a backcountry trip provided that registration was completed at the visitor center.
- (b)(2) Unattended property that interferes with visitor safety, orderly management of the Park area, or presents a threat to park resources may be impounded by the Superintendent or their designee at any time.

### **36 C.F.R. Section 2.35 Alcoholic Beverages and Controlled Substances**

- (a) (3) Consumption of alcoholic beverages within the visitor center area, battlefield, amphitheater area, trails, and Howser House area is prohibited.
- (b) The possession, use, sale, or distribution of any illegal controlled substance is prohibited. The possession, use, sale, or distribution of any legal controlled substance is prohibited unless licensed medical personnel prescribe the use of the substance

### **36 C.F.R. Section 2.51 Public Assemblies and Meetings**

- (e) All public assemblies, meetings, gatherings, demonstrations, parades, and other public expressions of views will be limited to the northeast lawn area of the visitor center and amphitheater (shown on accompanying map). All organized assemblies must obtain a permit from the Superintendent's office at least 21 days prior to the date desired for the event.

### **36 C.F.R. Section 2.52 Sale of Distribution of Printed Matter**

- (e) The sale or distribution of printed matter will be limited to the northeast lawn area of the visitor center (shown on accompanying map). Individuals/groups must obtain a permit from the Superintendent's office at least 21 days prior to the date desired for the event.

**36 C.F.R. Section 4.11 Load, Weight, and Size Limits**

- (b) (1) Trucks and vehicles exceeding 13 tons per axle are prohibited from National Military Park.

**36 C.F.R. Section 4.21 Speed Limits**

- (b) The speed limit on Main Park Drive from the East Entrance to the visitor center and from the visitor center to the West Entrance is 35 miles per hour. The quarter mile section of Main Park Drive adjacent to the visitor center parking area as marked is restricted to 25 miles per hour.



Justification of Designations, Closures,  
And Other Restrictions for  
Kings Mountain National Military Park

**36 C.F.R. Section 1.5 Closures and Public Use Limits**

- (a) (1) Those recreational uses not permitted in Historic Interpretation Areas conflict with the legislative purpose of the park, detract from the historic scene, and contribute to the destruction of the historic fabric of the park.

The park area contains no developed overnight accommodations nor does it contain any facilities that are normally used at night. It is therefore felt that no legitimate public activity would be prevented by closing the park at night. The limited size of the park staff does not allow for extended coverage by resource protection rangers. The legislated purpose of the park would not normally be served by night use.

The closure of the wastewater plant area provides for the protection of unattended facilities that if tampered with could cause environmental consequences.

Closure to historic property and resources provides for protection of unattended and isolated resources.

Closure of park roads during inclement weather prevents accidents and provides for the safety and protection of the public and park resources.

The closure of park gates provides for the protection of unattended facilities and historic properties.

The park maintenance and residential area contains equipment and materials that should not be accessible to the public for security and safety reasons. There is no portion of the park historical interpretation program that takes place in this area.

Such activities are considered inappropriate in Historical Interpretive Areas and could constitute a danger to safety.

"Short cutting" on the trail system causes damage to the cultural, historical, and natural resources of the park. Loss of vegetation results in severe erosion.

The design of foot trails and horse trails are for each respective designed use. Bicycle traffic on foot trails and horse trails poses a serious threat to the intended users. The slopes, narrow sections of the trails, and sharp curves are especially hazardous.

The prohibition/closure relating to the use of unmanned aircraft is necessary to insure public health and safety from aerial devices. The closure insures that the visitor experience on the battlefield trail and in the backcountry will be unimpaired by visible intrusions and unreasonable noise. The closure also insures that natural and cultural resources will be unimpaired by unmanned aircraft. Kings Mountain NMP was established to commemorate those who fought for our country's freedom. Disturbances from unmanned aircraft will significantly impact the visitor experience.

- *Determination: The compendium closures required to implement this interim policy are necessary to maintain public health and safety in units of the National Park System and to protect park resources and values until the National Park Service can determine whether specific uses of manned aircraft on lands and waters administered by the National Park Service are appropriate and will not cause unacceptable impacts on park resources and values. This closure by the Superintendent implements Section 1.5 of the NPS Management Policies of 2006, which provides that a new form of park use may be allowed within a park only after a determination has been made in the professional judgment of the Superintendent that it will not result in unacceptable impacts on park resources and values. When proposed park uses and the protection of park resources and values come into conflict, the protection of resources and values must be predominant.*

### **36 C.F.R. Section 1.6 Permits**

These permits are only those required by 36 CFR, Parts 1-7.

### **36 C.F.R. Section 2.1 Preservation of Natural, Cultural, and Archeological Resources**

- (a) (4) Dead wood is plentiful in the park and is used only at park sponsored events or in the designated backcountry site.
- (c) (1) These natural nuts, berries, fruits are plentiful in the park and have historically been picked by visitors for consumption in the park. If monitoring reveals that removal is adversely affecting the ecosystem, this relaxation of Section 2.1 (c) (1) will be terminated.

### **36 C.F.R. Section 2.10 Camping and Food Storage**

Due to the availability of general and primitive camping facilities at adjacent Kings Mountain State Park, camping is restricted to a designated campsite within the National Park. Participants in organized living history encampments will be permitted to camp in the park to portray accurate Revolutionary War conditions to the visitor.

Limitations for the Garner Creek backcountry site are based upon the size of the designated area for the activity.

### **36 C.F.R. Section 2.11 Picnicking**

Picnicking in historical interpretation areas detracts from the park's historic theme. The adjoining Kings Mountain State Park was carved from National Military Park lands to create a recreational area with facilities for such activities as picnicking.

### **36 C.F.R. Section 2.13 Fires**

- (a) Use of fires, lanterns and stoves are prohibited to protect natural features and resources. Those permitted at campsites are prohibited during periods of high fire danger.

#### **36 C.F.R. Section 2.15 Pets**

- (a) (1) In order to protect the health and safety of visitors, pets are excluded from public use buildings.
- (2) Use of electronic devices for pet control/restraint does not allow for the 6 feet maximum restriction as stated in 2.15 (a) (2).

#### **36 C.F.R. Section 2.16 Horse and Pack Animals**

- (g) Securing horses directly to trees causes damage to trees. Horses not only chew the bark, but tight ropes can damage the bark and girdle the tree.

#### **36 C.F.R. Section 2.20 Skating, Skateboards, and Similar Devices**

Roller skates, roller skis, and other such devices may create hazardous conditions when used on the same roadways as vehicles or foot trails traveled by pedestrians. Moreover, this activity is not within the legislative purpose of the park. It detracts from the historic scene and contributes to the destruction of the historic fabric of the park.

#### **36 C.F.R. Section 2.21 Smoking**

- (a) (1) Smoking is prohibited in all facilities to provide for public health and safety and for the protection of park resources.
- (a) (2) Discarded cigarettes are the number one cause of wildfires within the park. Therefore during periods of extreme fire danger, smoking will be ban from trails.

#### **36 C.F.R. Section 2.22 Property**

- (a) (2) Unattended vehicles in the parking lot cause concern for the health and safety of unaccounted for visitors which can result in overtime for park staff and other agencies for search and rescue operations.

#### **36 C.F.R. Section 2.35 Alcoholic Beverages and Controlled Substances**

- (a) Consumption of alcoholic beverages is prohibited within the entire public use area due to incompatible nature of the activity with regards to the historical and memorial purposes for which the park was legislatively intended. The use of alcohol on hiking and horse trails has contributed to significant litter issues especially on equestrian trails. The use of alcohol is prohibited by the Kings Mountain State Park with whom we partner with on hiking and equestrian trails.

**36 C.F.R. Section 2.51 Public Assemblies and Meetings**

- (e) The area designated is large enough to accommodate multiple use including public assemblies. This location meets the requirements outlined in 36 CFR section 2.51 (e) 1-5 as to not damage the resource, interfere or impair any government or public activity or endanger any persons.

**36 C.F.R. Section 2.52 Sale or Distribution of Printed Matter**

- (e) Sale or distribution of printed matter is restricted to a designated area in order to allow the public safe and orderly access to visitor facilities and to also safeguard those making such distribution in a congested and potentially hazardous traffic zone. The area designated is large enough to accommodate the activity. This location meets the requirements outlined in 36 CFR section 2.52 as to not damage the resource, interfere or impair any government or public activity or endanger any persons.

**36 C.F.R. Section 4.11 Load, Weight, and Size Limits**

- (b) (1) Condition, Width, and base of roadway and heavy visitor traffic require truck and vehicle weight restrictions in order to protect the public investment in the roadway and to insure safe travel by the visiting public.

**36 C.F.R. Section 4.21 Speed Limits**

- (b) Speed limits are set consistent with visitor traffic and special road conditions that include narrow lanes, curves, and hills.